

## REMARKS

### The Amendments

Claim 1 is amended to incorporate the substance of Claim 2 therein and Claim 6 is amended accordingly.

It is submitted that the above amendments would put the application in condition for allowance or materially reduce or simplify the issues for appeal. The amendments do not raise new issues or present new matter since they merely incorporate the recitation of a fully examined dependent claim into the independent claim. The amendments have been made for clarification purposes recognized upon further review of the claims and, thus, they were not earlier presented. Accordingly, it is submitted that the requested amendments should be entered.

Further, for the reasons stated below, applicants request withdrawal of the Final status of the previous Office Action. This provides a further basis why the requested amendments should be entered.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

### Request to Withdraw Finality

Applicants hereby request withdrawal of the Final status of the previous Office Action dated December 28, 2006. The statement of the rejections is clearly identical to that in the original Office Action. This is evident because the recitation of the rejected claims includes claims that were canceled in applicants' previous reply and does not include any of the new claims that were added in applicants' previous reply. Further, the Office Action states that the "amendments and remarks filed by Applicants have been fully considered." However, this is merely a conclusory statement and no actual response or discussion of applicants' amendments or remarks is provided. Applicants pointed out a clear distinction of the claimed invention from the Winter reference (re-emphasized below) in their previous Reply. However, no explanation is provided in the Office Action as to why this argument is not convincing. It would appear that the

argument was not considered at all.

Additionally, the Office Action is incomplete because it does not address, at all, pending claims 14-19.

Accordingly, since applicants appear to not have received a full consideration of their previous Reply, the Final status of the last Office Action should be withdrawn.

### **The Rejections under 35 U.S.C. §102 and §103**

The rejection of claim 1-5, 8, 10, and 12-13 under 35 U.S.C. §102, as being anticipated, and the rejection of claims 6-7, 9 and 11 under 35 U.S.C. §103, as being obvious, over Winter (U.S. Patent No. 5,563,242), are respectfully traversed.

No basis is set forth in the Office Action, or apparent from the reference, that Winter provides any disclosure related to inorganic particles, such as pigment particles.

Winter discloses benzotriazole UV absorber compounds of the formula (I) and discloses the use of such compounds as a stabilizer in an organic material subject to thermal, oxidative or actinic induced degradation; see, e.g., col. 3, lines 18-30, col. 4, lines 41-45, col. 5, lines 25-30, and cols. 6-8. The organic material in which Winter provides their stabilizers is a polymer film which is part of a multilayer construct of (a) an electrocoat primer, (b) a base or color coat, (c) a clear coat and (d) the stabilizer coat containing the compound for formula (I); see, e.g., col. 4, lines 41-58.

Winter does not disclose the use of the benzotriazole compounds for UV stabilization of inorganic particles, e.g., inorganic pigment particles. Winter does not disclose or suggest providing its layer of polymer with the benzotriazole UV absorber compound of the formula (I) on an inorganic particle. The disclosure in Winter of providing a film layer as part of a multilayer coating construct gives no hint to coat inorganic particles, such as pigment particles, with a layer of such material.

Additionally, Winter fails to disclose or suggest the use of a polymer layer of immobilisable polymer or polymer mixture.

For the above reasons, it is strongly urged that Winter fails to anticipate the instant claims and the rejection under 35 U.S.C. §102 should be withdrawn.

Further, Winter fails to suggest use of its benzotriazole compounds for UV stabilization of inorganic particles. Winter is specific to the use of the UV stabilizers for stabilizing organic materials, particularly polymers, in a coating layer construct. There is no suggestion from the

reference to use the benzotriazoles for UV stabilization of inorganic particles, particularly inorganic pigment particles. Thus, Winter fails to render the claimed invention obvious to one of ordinary skill in the art and the rejection under 35 U.S.C. §103 should also be withdrawn.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

Respectfully submitted,

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